

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CORE WIRELESS LICENSING	§	
S.A.R.L.,	§	Case No. 2:14-cv-911-JRG-RSP
	§	(lead)
v.	§	
	§	Case No. 2:14-cv-912-JRG-RSP
LG ELECTRONICS, INC., AND LG	§	
ELECTRONICS MOBILECOMM	§	
U.S.A., INC.	§	
	§	

ORDER

Before the Court is Defendants' Objections to Magistrate Judge Payne's Report and Recommendation Denying Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(b) ("Defendants' Objections") (Dkt. No. 386).

On November 20, 2015, Plaintiff filed a notice withdrawing any and all asserted claims pertaining to U.S. Patent Nos. 7,782,818; RE44,828; 5,946,634; 7,599,664; 7,529,271; 7,383,022; 7,072,667; and 5,907,823 (collectively "the Dropped Patents"). (Dkt. No. 266). Defendants filed a Motion to deem this withdrawal dismissal with prejudice under Fed. R. Civ. P. 41(b). (Dkt. No. 248). The Magistrate Judge issued a Report and Recommendation recommending that Defendants' Motion should be denied. (Dkt. No. 376). The Magistrate Judge's Report and Recommendation correctly analyzed and applied the law articulated by the Federal Circuit and by courts in this district. *See, e.g. SanDisk Corp. v. Kingston Tech. Co.*, 695 F.3d 1348, 1353 (Fed. Cir. 2012) (notification by plaintiff that it was no longer pursuing certain claims "akin to either a Federal Rule of Civil Procedure 15 amendment to the complaint . . . or a Rule 41(a) voluntary dismissal of claims without prejudice"); *VirnetX Inc. v. Apple Inc.*, 925 F. Supp. 2d 816, 849 (E.D. Tex. 2013) ("The Court encourages and requires the parties to narrow their case for trial. Accordingly, the

Court will not penalize such attempts to narrow issues by entering judgment on issues not presented at trial.”).

For the foregoing reasons, upon *de novo* review, the Court agrees with and adopts the conclusions of the Report and Recommendation that Plaintiff’s infringement claims for the Dropped Patents are dismissed without prejudice. 28 U.S.C. § 636(b)(1)(C); FED.R.CIV.P. 72(b)(3). Accordingly, Defendants’ Objections are **OVERRULED** and the Magistrate Judge’s Report and Recommendation Denying Defendants’ Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(b) (Dkt. No. 376) is hereby **ADOPTED**.

So Ordered this

Mar 20, 2016



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE